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To the

KINGS

Most Excellent

MAJESTY.

A True and Exact Relation of the Proceedings of the Petitioner *James Carol*, in discovering the Treasonable words, spoke by one *Thomas Allin*, and unjust Prosecution used by the Earl of *Clanriccard* against the Petitioner for the same, to the Petitioners Damage above 1000 *l.* already; tending not only to the Petitioners utter undoing, if not speedily Relieved by your Majesty, but likewise to the discouragement of all Loyal Subjects, from discovering the like Treasons hereafter.

To the King's most Excellent

MAJESTY.

THe Petitioner, together with *James Caroll* the Elder, the Petitioners Father, having occasion to Travel in your Majesties Kingdome of *Ireland*, to buy Wool, Skins, and other Commodities relating to the Calling of your Petitioner, did on the 12*th* day of *April* 1672. arrive at *Tortumlin* in the County of *Galloway*, a Town belonging to the Earl of *Clanriccard*, and took up their lodging at the house of the abovenamed *Thomas Allin* an Innkeeper living at the *Blackspread-Eagle* there.

The said *Thomas Allin* falling into discourse with them, and supposing them to be *Irish*, (your Petitioners Father speaking that tongue) did demand of them *What News there was abroad?* to which they replyed, that they had been Travelling up and down the Countrey, but had heard no strange News, whereupon the said *Allin* told them in English as followeth, *Viz.*

If (said he) *we have news that the Dutch are beaten, then my Lord of* Clanriccard *will presently sound a Trumpet and I will go along with him, and three or four score more of this Town, well Hors'd and well Arm'd, and every man five pounds in his pocket, and I hope I shall kill one hundred of the Protestants, Anabaptists, Independants, and such like Phanatick people, before I am killed: for I expect a Quartermasters place my self, and I will have some of them upon the point of my Sword before the last of* June. *And as for those that are here in this Countrey, we will soon cut them off, for they shall have no help to come from the other side of the Brook* (meaning England) *there shall be no shipping to come to help them, for we will cut them off in a Months time, we shall be twelve to one, we will leave them neither Root nor Branch, and not spare them as in the former Rising.*

The Petitioner sitting at the Table with the said *Allin*, and his said Father, took out his Pocket book, and his Pen and Ink, and in his said Pocket book did write down the aforesaid words as the said *Allin* spoke them.

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The Petitioners Father hearing the ſaid *Allin* ſpeak the words aforeſaid replyed, This is ſtrange news indeed; to which the ſaid *Allin* rejoynd: *Why did you not hear what was ſpoken at Maſs laſt day, (Which was the* Eaſter Monday *before) at every word curſing the* Engliſh, *and declaring their wicked and bloody intentions againſt them.*

The Petitioner upon his return to *Dublin*, holding himſelf obliged in bounden duty and Allegiance to your Sacred Majeſty, and natural affection to his Countrey-men the Engliſh Proreſtants of that Kingdome, to make known ſuch Treaſonable words againſt your Majeſties Crown and Dignity, did repair to Doctor *Toppham* a Maſter of Chancery there, and upon his corporal Oath, did declare to him the whole buſineſs as aforeſaid.

The next day after which Declaration, your Petitioner was ſent for to appear before the Lord *Berkeley*, your Majeſties then Lord Lieutenant there, by whom he was examined concerning the premiſes, which he again confirmed upon three ſeveral Examinations, before the ſaid Lord Lieutenant and your Majeſties Councel there; after which he was ſent for before Sir *Robert Booth* Chief Juſtice of the Common Pleas, and by him engaged to proſecute the ſaid *Tho. Allin* for the Treaſonable words aforeſaid.

The ſaid *Tho. Allin* being ſent for by a Purſevant, who miſt to attach him, did ſoon after appear at *Dublin*, and with him the Earl of *Clanriccard*, the ſaid *Allin* being examined before the ſaid Lord Lieutenant and Councel, concerning the Treaſonable words ſpoke by him as aforeſaid, did deny the ſame with dreadful execrations and Oaths confirming the ſame, with aſſerting that the Petitionar was neither at his houſe nor at the ſaid town of *Portumlin*, at the time before mentioned, whereupon the Petitioner being examined in the preſence of the ſaid *Allin* confirmed the Accuſation aforeſaid, and did further prove his being there contrary to the aſſertion of the ſaid *Allin*, by a Bond taken at that time for performance of a Bargain of Goods the Petitioner had bought; and to which one *Simon Allin* Brother of the ſaid *Tho. Allin*, was witneſs, whoſe hand the ſaid *Tho. Allin* could not deny, offering further to prove the truth of what he had aſſerted by his ſaid father *James Carrol*, if his Excellency and Councel would pleaſe to ſend for him. But they being fully ſatisfied of the truth of the Premiſſes from the Petitioners circumſtantial Evidence, ſought for no more, but then proceeded to preſs the ſaid *Allin* to make an ingenious confeſſion of the whole truth, telling him if he did not, it would be worſe for him; But he perſiſting obſtinately in denyal

thereof twas by them ordered to be commited close Prisoner without Bail or Main-price, commanding the Goaler to take him away. Nevertheless, the said *Allin* was at liberty the same day, upon what motives the Petitioner troubled himself not to inquire, being satisfied that he had discharged his duty.

About two Months after, the Petitioner with his said Father, having a new occasion to travel into the said County of *Galloway*, arrived at the River *Shanon* near *Portumlin* aforesaid, where the wind being high, it was late before the Ferry-Boat could pass them over to *Portumlin* side, where arriving on a *Saturday* night and finding the Inhabitants of that place to gaze upon them, & to draw Tumultously together they believ'd it not safe to continue there, and though very Wet and Weary, did rather chuse to travel four Miles farther, to a lone house standing on the road to *Laughrea*, but six miles short of that place whether they intended to go had not the delay at the Ferry prevented them, but the next morning being the *Lord's* day, came into *Laughrea* aforesaid, about seven in the morning, and there stayed all day and night.

But very early on *Monday* morning (at the Instigation of the said *Tho. Allin* and other his accomplices) the Constable of *Laughrea*, with others with them, rudely throwing open their Chamber door, and affrighting the Petitioner and his said father out of their sleep, did attach them by Vertue of a Warrant from one *Donnolan* Steward to the said Earl of *Clanriccard* and Justice of Peace, on pretence of Travelling on the *Sabbath* day (though several of the Neighborhood had come in with Cart and Horses loden from a fair the day before, twenty Miles from thence, and were for their more Notorius travelling on the *Sunday*, no ways molested by them) they further Seized on a case of Pistols and two Swords belonging to this Petitioner and his said Father, lying on the Table, and only used for their defence, telling them thy believ'd they intended to kill some body with them, which Arms they never yet could get restor'd, so forcing them out of their Beds, they carried them six miles before one Justice *Dean*, who reproving them for travelling on the *Lord's* day; told them withal, that he had heard they had given in Evidence against the said Earl of *Clanriccard*, and so commited them to Prison to *Laughrea*, whither he commanded the Constable to carry them, and not to take Bail, though he pretended to this Petitioner and his said Father, they might give Bail.

In this Prison of *Laughrea* they remained five days without any

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covering but the Clothes on their backs, or any Bed to lye on; none daring all that while to relieve them (though willing enough) either by Bailing them, speaking to them, or conveying a Letter for them to *Galloway*, but eleven Miles thence, though they proffered any money for it, and their own Horſes to ride on, being charged at their Perils to the contrary, and fearing the diſpleaſure of the Earl of *Clanriccard*: The better to colour which proceeding, they Inſtigated ſome to report that the Petitioner's Father had a deſign to Burn the ſaid Town of *Laughrea*, pretending that beſides that information they had ſeven or eight Indictments to bring againſt them at *Galloway* Aſſizes. Thus they lay in that Goal, and might perhaps till this time, had not the Petitioner by ſtrange accident out at a window, obtained the conveyance of a Letter to ſome friends of theirs at *Galloway*, who thereby underſtanding their ſad Condition, made Application to the Judges of Aſſize then there, and obtained an order for their removal thither wither they were brought by the Goaler late at night, and clapt into the vildeſt Priſon in all that Town, amongſt the condemned Rogues and Malefactors, without any Accommodation.

The next morning they were brought before the Judges, where an Indictment for Travelling on the *Sabboth* day, was read againſt them both. And another Malicious one againſt your Petitioner's Father, for the Fictitious intent of firing *Laughrea* beforenamed, which no man appear'd for to make good: To the firſt on the Courts demands they ſubmitted: to the laſt your Petitioner's Father put in a Traverſe, and though no Proſecutors appeared, they were forced to give One thouſand Pounds Security not to depart the Town till the end of the Aſſizes; at the end of which, being fifteen days after, they were again bound to their good Behaviour, and to appear the next Aſſizes after, which they accordingly did, though above 100 Miles from their habitations, where, after ſtaying fifteen days more, and no evidence appearing to make good their Indictment, they were diſcharged by Proclamation, paying Fees: No remedy being found for ſo great Afflictions, as they ſuſtain'd by the aforeſaid cruel Ulage, and hard Travel, extraordinary Expences, loſs of Time, and hindrance in their Callings and Buſineſs.

But as if all this malicious proceeding had been nothing, your Petitioner had not been return'd to *Dublin* above a week, to follow his imployment, but he was Arreſted in the name of the ſaid Earl of *Clanriccard*, in an Action of 10000*l.* on pretence that he had ſlandered the ſaid Earl, to the damnage of the ſaid Sum: And thereupon was hurry-

hurryed to Prison: where, after lying four dayes, he procured Bayl, and being ready to come forth, had another Action of 2000 *l.* in the said Earls name laid upon him, when having after two or three dayes more procured Bayl to that too, he was again detained on a third Action at the same Earls Sute for 30000 *l.* all three amounting to Threescore thousand pounds, laid upon him utterly to ruine him, by keeping him in Prison all days of his life; but after fourteen dayes durance, your Petitioner procured by *Habeas Corpus* to be brought to the Common-Pleas Barr, where tendering Bayl to all the said Actions, the said Earls Councel moved to have time to consider of the sufficiency of the said Bayl, which was granted by the Court till next day, and the Petitioner remanded. But then the said Earls Councel in open Court, told the Judges that they had no advice from the said Earl to prosecute the Petitioner, and that they conceived some persons had prosecuted him out of malice, on purpose to curry favour with the said Earl, and desired he might be set at liberty, and accordingly he was paying Fees without Bayl, but left without all remedy to recover his charges and damages, the said Earl being now declared to be no prosecutor, though the Actions were in his name.

But all this vexation suffised not, but being fully resolved on the destruction of the Petitioner, for his innocent, though zealous performance of his duty in revealing the said Treasonable words: he was again, about a week after, Arrested by an Action out of the Kings Bench at the said Earls Sute, to which he gave Bayl, and again, about a week after, was Arrested at the same Earls sute in another Action out of the said Court, to which he likewise gave Bayl: The first of which actions was dismist for Non Pros. on the second was declared that the Petitioner had slandered the said Earl, to the damage of 2000 l. and though the said Action was brought in *Dublin* and the Declaration put in there, the said Earles Councel moved the *Venne* might be laid in *Galloway* and the Action tryed there; whereupon the said *James* Petitioned the Court that it might be tryed in *Dublin*, setting forth that *Dublin* was the place where he had made discovery of the Treasonable words spoken by *Allin*, on which the Action was grounded, that his Witness to prove *Allin* spake those words, was in *Dublin*, that *Galloway* was a place where the Earl was very potent, he keeping his Courts there, and above One hundred Miles from the Petitioner, and his witnesses habitation, which travel would be to his Cost, Charge, and Damage, besides, the eminent danger of his Life in coming thither from those rude and Exasperated persons that liv'd

liv'd on the way: That what he had done, was in faithful discharge of his duty to your Sacred Majesty, wherein he had done the said Earl no wrong, nor never had cause to do that, if the said Earl was any ways slandered, it was by the said *Thomas Allin*, against whom in right and justice, he ought to take his remedy, and not against the said Petitioner. Yet notwithstanding, several Petitions, to the Effect aforesaid, presented to the Court, they were all over-ruled by Judge *Jones*, the only Judge then upon the *Bench*, and he forced to Travel with his Witness to *Galloway*, to attend the said Tryal; where arriving, he could get no Counsel for Money, to plead for him, when Petitioning the Judges to Assign him some, the Earls Counsel urged there were three at the Barr, unretain'd by the said Earl, which proving all *Irish* Papists: Yet the Petitioner was forced to be contented to retain them or none.

The Matter in Issue, was for the Petitioner to prove that the said *Allin* had spoke the Treasonable words aforesaid, which he did so well, that one of his Counsel told the Court, that the Evidence was so full, that if it had been given against a Malefactor, it had been sufficient, but was over-rul'd by Judge *Jones*'s saying that was not the Case now, and beckoning with his hand when he spake the word, so that none of the Petitioners Counsel opened their mouth after; yet Judge *Povey* told the Jury that it was sufficiently proved, *Allin* had spoken those words: However, the Jury being some of them Outlawed, some of them Tenants, some Bayliffs, and all one way or other related to the said Earl, he himself being present at the said Tryal, brought in a Verdict against the Petitioner for 2000 *l.* Damages, and 6 *d.* Cost, and hath since in *Dublin*, obtained Execution against the Petitioner for the same.

This Petitioner hath been since perswaded to submit himself to the said Earl, and confess his Fault, and to say that what he hath done, was at the Instigation of some others, which was his only way to be safe; else, it was added, that let the Petitioner return to *Dublin* which way he would, there were those related to the Earl would meet with him, & do his work for him: (This was in *Galloway* soon after the said Tryal) to which this Petitioner replyed, that he was never put on by any one, that what he had declared, was no more than what *Allin* had said: and what if he was to do again, he would do as became him in duty, but that he would take the best care of himself he could, in returning home, trusting to God to preserve him from such as sought unjustly to do him hurt: And to that purpose finding himself often

often threatned and sometimes struck, in *Galloway* he was forced, together with his said Father, to get thence in the night, to forsake the common Road, and to go all the by ways they could, to secure their Lives, they having been since credibly informed, that they were persued by seven persons neer sixty Miles, who missing of them returned.

May it therefore please your Majesty, in tender Consideration of the Premises: That is,

First. *That what the Petitioner did in discovering the said Treasonable words, was in duty to your Majesty, and Obedience to the Law.*

Secondly. *That he proved the same to the full satisfaction of your Majesties Lord Lieutenant and Councel, who else would have deservedly Committed him.*

Thirdly. *That his undoing by the same, tends to the Discouragement of all Loyal Persons for discovering Treasons coming to their knowledge hereafter.*

Fourthly. *That if the said Earls Prosecution had been just, as 'tis most notoriously otherwayes, yet his manner of proceeding against your Petitioner hath been full of all kind of violence, by suffering his Servants to prosecute him by illegal Imprisonments, Inditments, Arrests, and other ways, forcing him to so many chargeable Journeys, to the loss of his Credit, and imployment, to his Detriment above* 1000 l. *already, besides by a Jury of his own Creatures taken by a* Tales *in Court, utter strangers to the Petitioner, and therefore not to be excepted against by him, the retaining all indifferent Councel, procuring the* venue *to be layed where he was most powerful,* &c. *to procure a Verdict, Judgment, and Execution against the Petitioner, for the said Sum of Two thousand Pounds, thereby driving him from his Habitation, Aged Parents and Calling, to his utter Ruine, if not relieved by your Majesty.*

All which is humbly submitted for a remedy.

FINIS.